



भारत का राजपत्र

The Gazette of India

असाधारण

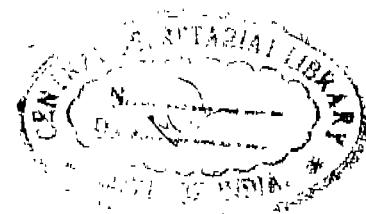
EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
 Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 6th December, 1996:—

I

BILL No. XXIV OF 1996

A Bill to provide for the establishment of a Rural Electrification Authority to ensure uninterrupted electricity supply to farmers for their agricultural activities and for providing at least EK BATTI connection to every house and hut in rural India and for matters connected therewith.

BE it enacted by Parliament in the Forty-seventh year of the Republic of India as follows:—

1. (1) This Act may be called the Rural Electrification Act, 1996.

Short title and extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Authority" means the Rural Electrification Authority established under section 3;

(b) "prescribed" means prescribed by rules made under this Act;

(c) words and expressions used but not defined in this Act and defined in the Indian Electricity Act, 1910 and the Electricity (Supply) Act, 1948, shall have the meanings respectively assigned to them in those Acts.

Establishment
of the Rural
Electrification
Authority.

3. (1) The Central Government shall establish a Rural Electrification Authority having its headquarter at Bhopal in the State of Madhya Pradesh to exercise such functions and perform such duties under this Act and in such manner as the Central Government may prescribe or direct and in particular to,—

(i) develop a sound, adequate and uniform national rural electrification policy in order to provide,—

(a) uninterrupted power supply to the farmers for irrigation and other agricultural purposes;

(b) uninterrupted power supply to the village and cottage industries and village artisans engaged in self employment in villages;

(c) at least EK BATTI connection of electricity in every dwelling unit of each village in the country.

(ii) invite and promote private sector in establishing power units exclusively for the use of rural sector in the country;

(iii) carry out investigations and to collect and record the data concerning the generation, distribution and utilisation of power in the rural sector and the development of power resources in the rural areas;

(iv) co-ordinate the activities of the national and State Planning agencies in relation to the control and utilisation of power resources for the rural sector.

(2) The Authority shall consist of not more than five members appointed by the Central Government of whom at least two shall be from amongst the farmers.

(3) The Central Government shall appoint one of the members to be the Chairman of the Authority.

(4) All the Members of the Authority including the Chairman shall hold office during the pleasure of the Central Government.

(5) The Authority may appoint a Secretary and such other officers and employees as it considers necessary on such terms and conditions as may be prescribed.

Funds of the
Authority.

4. The Central Government shall provide, from time to time, after due appropriation made by Parliament by law, adequate funds for the rural electrification works to be undertaken by the Authority and for the administrative expenses of the Authority.

Development
Fund.

5. The Authority shall have a Fund to be called the Rural Electricity Development Fund to which shall be credited all moneys received from the Central and State Governments for the purposes of rural electrification and from all other sources such as the rural consumers, private sector generating electricity for rural sector etc. and all payments by the Authority towards electrification expenditure shall be made therefrom.

Authority to es-
tablish new
generating sta-
tions.

6. The Authority shall establish new generating station in any area in which it is required by any scheme of the Authority.

7. The Authority may supply electricity to the farmers at subsidised rates as may be prescribed from time to time.

Authority to provide electricity at subsidised rates to farmers.

8. It shall be the duty of the Authority to provide the *Ek Batti* connection and supply of electricity thereto free of cost to the Scheduled Caste, Scheduled Tribe and other backward class families residing in rural areas of the country.

Ek Batti connection to be free of cost for the scheduled castes, scheduled tribes and other backward class residing in rural areas.

9 of 1910.
54 of 1948

9. Save as otherwise provided in this act, the provisions of this act shall be in addition to and not in derogation of the Indian Electricity Act, 1910 and the Electricity (Supply) Act, 1948.

Effect of other laws.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules

STATEMENT OF OBJECTS AND REASONS

There is an acute shortage of power in our country which is the primary cause of our backwardness because due to power shortage the industrial sector, the agricultural sector and the household cannot make progress at the desired levels resulting in ultimate backwardness. Our Power stations whether these are thermal, hydel or atomic are producing electricity much below their generating capacity whereas the demand for electricity is increasing day-by-day in all the sectors. It has been observed that while distributing the generated electricity the Electricity Boards and Undertakings give priority to the urban areas and the industrial sector thereby neglecting the rural areas particularly the agricultural sector. Very often it has been seen that the electricity meant for rural areas is diverted to the urban areas. Hue and cry is raised by the people, by the print and the electronic media if there is a load shedding for few hours in the cities but nobody bothers when the electricity is cut off to the rural areas for months together even if the crops of the hapless farmer are dying in the absence of water as he cannot run the tubewell without electricity.

Since more than 80 percent of our population is engaged in agriculture and agriculture-related small and cottage industries it is our national duty to give uninterrupted electricity supply to the agricultural sector. It is also necessary to provide at least *Ek Batti* connection to every household including every hut in the country to remove their darkness. To achieve these objects it is proposed to establish a Rural Electrification Authority to provide electricity exclusively to the rural areas and uninterrupted electricity supply to the agricultural sector and give at least one bulb connection to every household in the villages. The Authority will also give special attention towards drought prone areas in the country.

Hence this Bill.

SURESH PACHOURI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Rural Electrification Authority. Clause 4 provides for the funds of the Authority. Clause 6 provides for establishment of new generating stations. The Bill, if enacted and brought into operation will involve recurring expenditure of five hundred crore rupees from the Consolidated Fund of India every year.

A non-recurring expenditure of about one hundred crore rupees will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to the matters of details only.

The delegation of legislative power is of normal character.

II

BILL No. XXXVII OF 1996

A Bill to provide for the establishment of a permanent Bench of the High Court of Madhya Pradesh at Bhopal.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title

1. This Act may be called the High Court of Madhya Pradesh (Establishment of a Permanent Bench at Bhopal) Act, 1996.

Establishment
of a permanent
Bench of High
Court of
Madhya
Pradesh at
Bhopal.

2. There shall be established a permanent Bench of the High Court of Madhya Pradesh at Bhopal, the capital city of Madhya Pradesh and such judges of the High Court at Madhya Pradesh being not less than five in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Bhopal in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the district of Bhopal and adjoining areas of the other districts of Madhya Pradesh.

STATEMENT OF OBJECTS AND REASONS

Geographically, Madhya Pradesh is the largest State of the Indian Union having large population for whom dispensation of justice is also needed. But unfortunately the capital of the State is without a Bench of the High Court of Madhya Pradesh. The Principal Bench should have been established in Bhopal to honour the capital city. After Bhubaneshwar and Thiruvananthapuram, Bhopal is the only capital city without a High Court Bench. There has been a long standing demand for the establishment of a High Court Bench at Bhopal. Earlier, the Government of Madhya Pradesh had recommended for the establishment of such a Bench at Bhopal.

Moreover, being the capital of the State, the population of Bhopal is increasing manifolds with the result the litigations are also increasing at a very high rate. The officials of the State Government have to shuttle between Bhopal and Jabalpur incurring avoidable expenditure and burden on the exchequer of the State. At the same time poor litigants of Bhopal who want to knock the doors of High Court for justice cannot afford to fight their cases in Jabalpur.

Hence, it is necessary that a Bench of the High Court of Madhya Pradesh be established at Bhopal without further loss of time.

Hence this Bill.

SURESH PACHOURI

III**BILL No. XLI OF 1996**

A Bill to provide for the abolition of begging which has become a menace at the places of tourist importance, religious places, railway and bus stations and market places and other places used by general public and has become nuisance for the tourists, particularly for the foreign tourists and the general public due to penetration of anti-social elements in this field and matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title and extent

1. (1) This Act may be called the Abolition of Begging Act, 1996
- (2) It extends to the whole of India.

Definitions

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in other cases the Central Government;

(b) “begging” includes,—

(i) soliciting or receiving alms in a public place, whether under the pretence of singing, dancing, fortune telling, performing tricks or otherwise;

(ii) entering on any private premises for the purpose of soliciting or receiving alms;

(iii) exposing or exhibiting any sore, wound, injury, deformity or disease, whether of himself or any other person or of an animal with the objective of obtaining alms;

(iv) using a child as an exhibit for the purpose of soliciting or receiving alms;

(c) "prescribed" means prescribed by rules made under this Act.

3. Begging by any person at any place, whether public or private, in any manner is hereby abolished and whoever contravenes the provisions of this section shall be guilty of an offence under this Act.

Abolition of
begging.

4. (1) Whoever forces a child into begging shall be punishable with imprisonment which may extend to five years.

Penalty for
forcing others
into begging.

(2) Whoever runs or heads a group of beggars and forces them to beg in an organised manner shall be punishable with life imprisonment.

5. (1) The appropriate Government shall establish in each district under its territorial jurisdiction a Rescue Home for beggars with such facilities of rehabilitation as may be prescribed.

Establishment
of rescue
homes for
beggars.

(2) Any person found begging shall be taken into custody by the local police and sent to the nearest Rescue Home.

Vocational
education and
rehabilitation
for beggars.

6. (1) The appropriate Government shall provide free vocational education to every beggar brought to the Rescue Home.

(2) The appropriate Government shall also formulate employment and other rehabilitation packages for beggars on completion of vocational education under sub-section (1).

Central Gov-
ernment to pro-
vide funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for the purposes of this Act.

Power to make
rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

In spite of various welfare measures taken by the Government and the social organisations to help the downtrodden and the handicapped people, begging has not stopped in the country. The number of beggars has been increasing in big cities everyday. The menace is increasing rapidly in places of tourist importance where the tourists particularly the foreign tourists are hounded by hordes of beggars which gives a very bad impression about our country to them. Similar is the position near the religious places, railway and bus stations, markets, places of pilgrimage and in fact in every nook and corner of the cities this menace welcomes you. Not only the disabled but the able bodied persons have also made begging a profession.

Sometimes young boys and girls are forced by their own parents, gangsters and sometimes poor people are forced by some other people to take to begging. Even after 49 years of Independence, the problem of begging is increasing day by day. It has, therefore, become necessary that legislation should be brought forward to prohibit and to provide for rehabilitation of beggars.

Hence this Bill.

SURESH PACHOUR.

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for establishment of Rescue Homes in each district by the Union Government or the State Government as the case may be, wherein beggars will be provided with facilities for their rehabilitation. The Central Government would have to incur expenditure from the Consolidated Fund of India for establishment of Rescue Homes in respect of Union territories. As far as the establishment of Rescue Homes in the State are concerned, the State Governments will incur expenditure from their respective Consolidated Funds. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. An annual recurring expenditure of about rupees fifty crores is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules relate to matters of details only, the delegation of legislative power is of normal character.

IV

Bill No. XLVII of 1996

A Bill to provide for disclosure of assets by Ministers, Members of Parliament and Public Servants.

BE it enacted by Parliament in the Forty-seventh year of the Republic of India as follows:

Short title.

1. This Act may be called the Disclosure of Assets by Ministers, Members of Parliament and Public Servants Act, 1996.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "assets" includes all properties, both movable and immovable, held by Ministers, Members of Parliament or public servants or by their dependents, legally or in benami within the country or abroad;

(b) "Chairman" means the Chairman of the Council of States;

(c) "dependents" includes spouse, parents, sons and unmarried daughters;

(d) "Members of Parliament" means Members of the Council of states or of the House of the People, as their case may be;

(e) "Minister" means any Minister of the Union Government including the Prime Minister and their Parliamentary Secretary;

(f) "Public Servant" means and includes a person appointed to public services and posts in connection with the affairs of the Union;

(g) "Prescribed" means prescribed by rules made under this Act;

(h) "Speaker" means the Speaker of the House of the People.

3. (1) Every Minister shall, within one month of his appointment submit to the Speaker or the Chairman, as the case may be a statement of all the assets possessed by him and his dependents, in such manner and form, as may be prescribed:

Disclosure of assets by Ministers and Members of Parliament.

Provided that where the Minister is not a Member of either House of Parliament, he shall submit a statement of all the assets possessed by him and his dependents to the Speaker within one month of the swearing in as Minister under article 75 of the Constitution of India.

(2) Every Member of Parliament shall within one month of the date of his election submit to the Speaker or the Chairman, as the case may be, a statement of all the assets possessed by him and his dependents in such manner and form, as may be prescribed.

Disclosure of assets by public servants.

4. Every public servant shall, within a period of one month from the coming into force of this Act, furnish the particulars of all the assets possessed by him and his dependents to the prescribed authority, in such manner and form, as may be prescribed.

Submission of annual statements.

5. (1) It shall be incumbent on the part of every Minister and every Member of Parliament to submit a statement of the assets held by him and his dependents, within one month of the beginning of every subsequent financial year falling within his tenure as a Minister/Member, to the Speaker or the Chairman, as the case may be.

(2) Every Public servant shall, throughout the term of his office, submit annual statements of the assets held or acquired by him and any of his dependents, within one month of the beginning of the every financial year to such authority of the Union Government, as may be prescribed.

Statements filed by Ministers and Members of Parliament to be made available to the Public.

6. A copy of the statement filed by Ministers and Members of Parliament under section 3 and sub-section (i) of section 5 shall be made available to any citizen on payment of such fee, as may be prescribed.

Statement filed by the Public servants to be laid before House of Parliament.

7. (1) A copy of the statement filed by Public servants under section 4 and Sub-Section (2) of section 5 shall be submitted to the President who shall cause the same to be laid before each House of Parliament.

(2) A copy of all the Statement made by the public servants under this Act shall be made available to any citizen on payment of such fee, as may be prescribed.

Announcement of names of Ministers and Members of Parliament who fail to submit statements.

8. The Speaker or the Chairman, as the case may be, may announce the name of the Minister or Member of Parliament who fails to submit the Statement according to the provisions of this Act in such manner as may be prescribed.

Action against public servants who fail to submit statements.

9. Any Public servant who fails to submit the statements according to the provisions of this Act shall be subject to such action, as may be prescribed.

Power to make rules.

10. (1) The Central Government may by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters:—

- (i) the form in which the disclosure of assets shall be furnished;
- (ii) the manner in which the disclosure shall be scrutinised;
- (iii) the action to be taken in case of disclosures of assets furnished by a Member of Parliament or by Minister or by a public servant is false;
- (iv) the action to be taken in case of delayed disclosure of assets by public servants; and
- (v) any other matter that is necessary to carry on the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Last few years have witnessed large number of financial scandals and scams which have shaken people's confidence in democracy. Today's politics is that with money acquire power and with power acquire money. This vicious circle has resulted in unholy alliances between public men and public servants with criminals and smugglers. If this nexus is to be broken, it is necessary to re-establish honesty and integrity in the governance of the nation by making all Ministers, Members of Parliament and public servants accountable in respects of their assets. It is, therefore, necessary to make it compulsory for them to disclose their assets every year.

The Bill seeks to achieve this object.

V. N. GADGIL

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. As the rules to be framed will relate to matters of detail only, the delegation of legislative power is of normal character.

V

BILL No. XLVI OF 1996

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 1996.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of article 124.

2. In article 124 of the constitution, in clause (2), —

(a) for the portion beginning with the words "after consultation with such of the Judges of the Supreme Court" and ending with the words "Provided further", the following shall be substituted, namely:—

"on the recommendation of the National Judicial Commission and shall hold office until he attains the age of sixty-five years:

Provided that where the recommendation of the National Judicial Commission is not accepted, the reasons thereof shall be recorded in writing:

Provided further that the Chief Justice of India shall be appointed by the President by warrant under his hand and seal after consultation with such of the Judges of the Supreme Court and of the High Courts in the States as the President may deem necessary for the purpose:

Provided also"

(b) the following Explanation shall be inserted at the end, namely:—

"Explanation — Nothing in the first proviso to this clause be construed as empowering the President to appoint any person as a Judge of the Supreme Court unless he is recommended by the National Judicial Commission for such appointment".

3. In article 217 of the Constitution, in clause (1),—

(a) for the portion beginning with the words "after consultation with the Chief Justice of India" and ending with the words "Provided that", the following shall be substituted, namely:—

"on the recommendation of the National Judicial Commission and shall hold office, in the case of an additional or acting Judge, as provided in article 224, and in any other case, until he attains the age of sixty-two years:

Provided that where the recommendation of the National Judicial Commission is not accepted, the reasons thereof shall be recorded in writing:

Provided further that—"

(b) the following explanation shall be inserted at the end namely:—

Explanation — Nothing in the first proviso to this clause shall be construed as empowering the President to appoint any person as a Judge of any High Court unless he is recommended by the National Judicial Commission for such appointment."

4. In article 222 of the Constitution, in clause (1),—

(a) for the words "after consultation with the Chief Justice of India", the words "on the recommendation of the National Judicial Commission" shall be substituted;

(b) the following proviso shall be inserted at the end, namely:—

"Provided that where the recommendation of the National Judicial Commission is not accepted, the reasons thereof shall be recorded in writing."

5. In article 231 of the Constitution, in clause (2), for sub-clause (a), the following sub-clause shall be substituted, namely:—

"(a) the reference in sub-clause (b) of clause (3) of article 307A to the Chief Minister of the concerned State shall be construed as a reference to the Chief Ministers of all the States in relation to which the High Court exercises jurisdiction;".

6. After Part XIII of the Constitution, the following Part shall be inserted, namely:—

Amendment of article 217.

Amendment of article 222.

Amendment of article 231.

Insertion of new Part XIII A.

PART XIII A

NATIONAL JUDICIAL COMMISSION

307A. (1) The President shall by order constitute a Commission, referred to in this Constitution as the National Judicial Commission.

(2) The National Judicial Commission shall make recommendations to the President as to the appointment of a Judge of the Supreme Court (other than the Chief Justice of India), a Judge of a High Court and as to the transfer of a Judge from one High Court to any other High Court.

Constitution of National Judicial Commission and its functions.

(3) The National Judicial Commission shall,—

(a) for making recommendation as to the appointment of a Judge of the Supreme Court (other than the Chief Justice of India), a Chief Justice of a High Court and as to the transfer of a Judge from one High Court to any other High Court, consist of:—

(i) the Chief Justice of India, who shall be the Chairperson of the Commission;

(ii) two Judges of the Supreme Court next to the Chief Justice of India in seniority;

(iii) a senior Member of Parliament with legal background to be nominated by the Speaker of the Lok Sabha; and

(iv) Union Minister of Law & Justice;

(b) for making recommendation as to the appointment of a Judge of any High Court, consist of—

(i) the Chief Justice of India who shall be the Chairperson of the Commission;

(ii) the Chief Minister of the concerned State or, if a Proclamation under article 356 is in operation in that State the Governor of that State;

(iii) one Judge of the Supreme Court next to the Chief Justice of India in seniority;

(iv) the Chief Justice of the High Court of the concerned State; and

(v) one Judge of the High Court of the concerned State next to the Chief Justice of that High Court in seniority.

(4) Subject to the provisions of any law made by Parliament, the procedure to be followed by the National Judicial Commission in the transaction of its business shall be such, as the President may, in consultation with the Chief Justice of India, by regulations determine.

(5) The National Judicial Commission shall have a separate secretariat staff and their conditions of service shall be such as the President may, in consultation with the Chief Justice of India, by regulations determine.”

STATEMENT OF OBJECTS AND REASONS

The Government of India had announced their intention to set up a high level judicial commission, to be called the National Judicial Commission for the appointment of Judges of the Supreme Court and of the High Courts and the transfer of Judges of the High Courts so as to obviate the criticisms of arbitrariness on the part of the executive in such appointments and transfers and also to make such appointments without any delay. The Law Commission of India in their One Hundred and Twenty-first Report has also emphasised the need for a change in the system.

2. The National Judicial Commission to make recommendations with respect to the appointment of Judges of the Supreme Court will consist of the Chief Justice of India and two other Judges of the Supreme Court next in Seniority to the Chief Justice of India the Union Minister for Law and Justice, and a senior Member of Parliament to be nominated by the Speaker of Lok Sabha. The Commission to make recommendations with respect to the appointment of the Judges of the High Courts will consist of the Chief Justice of India, one senior-most Judge of the Supreme Court, the Chief Minister of the State concerned, Chief Justice of the concerned High Court and one senior-most Judge of that High Court.

3. Recently the Supreme Court has delivered a judgement the effect of which is that the Supreme Court alone will have exclusive right to decide the nomination of Judges to the Supreme Court and the High Courts. In no other democratic country such an exclusive right is given to the Apex Court. It is necessary to associate the executive and the legislature with the process of selection of Judges of the Supreme Court and the High Courts. It is, therefore, proposed that the Minister for Law and Justice, Government of India and a Senior Member of Parliament with legal background nominated by the Speaker of the Lok Sabha should be members of the National Judicial Commission.

4. The Bill seeks to achieve the above object.

V. N. GADGIL

FINANCIAL MEMORANDUM

Clause 6 of the Bill seeks to insert article 307A in the Constitution to empower the President to constitute the National Judicial Commission. The National Judicial Commission will have as its Chairman the Chief Justice of India, and as its Members, the Chief Minister of the concerned States, the Chief Justices of the concerned High Courts, other senior Judges of the Supreme Court and High Courts and the Minister for Law and Justice Government of India and a Senior Member of Parliament with legal background to be nominated by the Speaker Lok Sabha. These functionaries will be devoting only part of their time in connection with the work of the Commission, and, will draw the travelling and other allowances from the respective budgets.

2. The Commission, will have a separate office of its own. The strength and level of the officers and staff to be employed in this office will be determined from time to time by the Chairman of the Commission with the approval of the President. Expenditure will have to be incurred on their salaries and on contingencies for running the office. It is not possible to estimate at this stage the likely expenditure to be involved on this account. However, the expenditure, whether recurring or non-recurring, will be met out of the budgetary grants of the Department of Justice.

3. The Bill, when enacted, will not involve any other recurring or non-recurring expenditure.

VI

BILL NO. XLV OF 1996

A Bill to provide the Indian citizens living abroad [with] the right to vote in (at) elections to the House of the People and the Legislative Assemblies of States.

Be it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Voting RIGHT for INDIAN CITIZENS LIVING ABROAD Act, 1996. Short title.
2. In this Act, unless the context otherwise requires, "Indian Citizen living abroad" means an Indian Citizen temporarily staying abroad for any work or for pursuing any profession or business or a vocation. Definition.
3. Notwithstanding anything contained in any other law for the time being in force, an Indian citizen living abroad shall have the right to vote in any election to the House of the People and the Legislative Assemblies of States. Right to vote to Indian citizens living abroad.

Creation of
election ma-
chinery.

Diplomatic and
consular officers
to help election
Commission of
India.

Power to make
rules.

4. The Election Commission of India shall make provision for and create an adequate machinery to enable Indian Citizens living abroad to exercise their franchise at every election to the House of the People and the Legislative Assemblies of States.

5. All diplomatic and consular officers of the Government of India shall act in aid of the Election Commission of India in the discharge of its functions under section 4.

6. The Central Government may by notification in the Official Gazette make rules to carry out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

India has the distinction of having successfully conducted ten elections to the Lok Sabha and several elections to the State Assemblies. By and large these elections have been free and fair with active participation by the citizens of the largest functioning democracy in the world.

However, one lacuna in this gigantic democratic experiment is the inability of Indian Citizens living abroad to participate in the electoral process. Such Indians have contributed a great deal to the development of India. It will be fair to enable them to exercise their democratic right.

This Bill seeks to achieve the above objective.

V. N. GADGIL

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. The rules will relate to matters of detail only.

The delegation of legislative power is therefore of normal character.

VII

BILL No. LXVII OF 1995

A Bill to provide for prohibition of the formation of religious, communal and sectoral political parties and senas.

WHEREAS it has been noted that a large number of religious and communal groups have been forming political parties and sena's for the purpose of elections to the Houses of Parliament and to the State Legislatures and seeking allotment of symbols and seeking registration of the Senas as Associations and Societies giving rise to a situation where narrow religious, communal and sectoral considerations take the place of consideration for socio-economic policies;

AND WHEREAS such a situation is inconsistent with the principles of sovereign, socialist, secular, democratic Republic and unity and integrity of the nation as contemplated under the Preamble to the Constitution and the rich cultural secular heritage of our nation;

AND WHEREAS it is considered expedient in the interest of purity of elections to the Houses of Parliament and legislatures of various States and in the interest of elections to be held in a fair and efficient manner to prohibit the formation of religious and communal political parties and to eradicate the formation of senas by communal groups.

BE it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prohibition of Religious, Communal and Sectoral Political Parties and Senas Act, 1995.

Short title, extent and commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. The political parties and Sena's based on a single religion or formed by a religious or communal body are hereby prohibited.

Prohibition of religious or communal political parties and Senas.

STATEMENT OF OBJECTS AND REASONS.

Lately, a dangerous tendency has been growing among the people to organise themselves on religious, caste and communal lines and actively interfering in the political activities of the country for the narrow, partisan, religious and communal considerations of a particular religion or caste either directly or indirectly forming their own political wings, militant senas etc. This tendency will help only to sideline the most important Socio-economic problems of the people of our country. It has given rise to a number of communal riots, may be on the question of the location or origin of a particular temple, or a mosque or a church or on same religious processions, recently in different parts of the country creating communal tension and making the normal living miserable. Besides, the growth of such narrow tendencies is a grave threat to the very unity and integrity of the country and against the accepted principles of sovereignty, socialism, secularism and democracy in our constitution.

So there is urgent need to ban all the parties and militant senas formed on the basis of single religion, caste or communal body and delink religion from politics.

Hence this Bill.

GURUDAS DAS GUPTA

V. S. RAMA DEVI,
Secretary-General.